

REMARKS

The above-identified parent application has been passed to issue. By this Continuing Application, Applicants have made minor changes to the Specification, canceled Claims 9 – 14, 23 and 24 and added new Claims 25 and 26 for consideration. For the reasons set forth more fully below, Applicants respectfully submit that the subject application properly presents Claims patentable over the prior art. Accordingly, reconsideration, allowance and passage to issue are respectfully requested.

The invention disclosed and claimed in the present application addresses the need in the art for a system or method for enabling original equipment manufacturers, service providers and end users to determine if substandard components have been substituted for OEM equipment laser in inkjet printers and copiers and other devices and systems. In accordance with the illustrative embodiment of the system and method of monitoring the performance of a product of the present invention, an initial calibration procedure is performed to produce a first performance metric and a subsequent calibration procedure is performed to produce a second performance metric. The first and second metrics are compared and a performance factor is output indicative of a change in performance resulting from a change in the user serviceable components.

The invention is set forth in claims of varying scope of which method Claim 1 and apparatus Claim 15 are illustrative. Claim 1 recites:

1. A method for monitoring the performance of an apparatus having user serviceable components, comprising the steps of:
 - performing initial calibration procedure to produce a first performance metric;
 - performing a subsequent calibration procedure to produce a second performance metric;
 - comparing said second performance metric with said first performance metric, and**
 - outputting a performance factor indicative of a change in performance resulting from a change in the user serviceable components.** (Emphasis added.)

Likewise, apparatus Claim 15 recites:

15. An apparatus having user serviceable components enabled to monitor its own performance, the apparatus comprising:
means for performing an initial calibration procedure to produce a first performance metric;
means for performing a subsequent calibration procedure to produce a second performance metric;
means for comparing said second performance metric with said first performance metric; and
means for outputting a performance factor indicative of a change in performance resulting from a change in the user serviceable components. (Emphasis added.)

The prior art does not teach or suggest a system or method for comparing first and second performance metrics and outputting a performance factor indicative of a change in performance in user serviceable components in response thereto.

In the parent application, the Examiner rejected Claims 1 - 8 and 15 - 22 under 35 U.S.C. § 102(b) as being anticipated by Budnik. Budnik purports to teach an actuator performance indicator. The Examiner suggests that Budnik teaches the steps of performing first and second calibrations and providing first and second performance metrics in response thereto. However, this assertion is not supported by the teachings of the reference. That is, there is no teaching in the reference by which **a metric** is generated as a result of calibration operations.

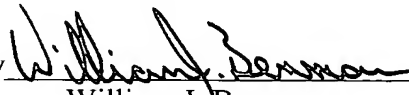
Further, the Examiner suggests that Budnik teaches comparing first and second metrics at col. 20, lines 49 and 50. However, this passage in Claim 22 of the reference merely refers to “. . . comparing the reflectance level of each of the test patches to the nominal reflectance range” Clearly, the comparison of reflectance levels of test patches is not a comparison of metrics resulting from calibration operations as presently claimed. Indeed, it is not even apparent how a comparison of reflectance levels has any relation to that which the Examiner asserts as teaching first and second calibration operations to produce first and second metrics. That is, it is not apparent how a comparison of reflectance levels has any relation to calibration operations based on whether new sensor modules are provided in a machine. See col. 14, lines 55 - 62.

Finally, the Examiner asserts that at col. 10, lines 53 - 56, Budnik teaches outputting a performance factor indicative of a change in performance resulting from a change in user serviceable components. However, this assertion is not supported by the express language of the reference. Lines 53 - 56 at col. 10 of the reference clearly relate solely to the notion that Budnik's output is useful as an indication of the relative contamination level of the BTAC and the xerographic subsystem. Clearly, no teaching is provided regarding an apparatus or method for outputting a performance factor indicative of a change in performance resulting from a change in user serviceable components. Accordingly, Claims 1 - 8 and 15 - 22 should be allowable over Budnik *et al.*

For the reasons set forth above, new Claims 25 and 26 should be allowable as well.

Reconsideration, allowance and passage to issue are therefore respectfully requested.

Respectfully submitted,
Michael Jonas Borg

By 
William J. Benman
Attorney for Applicant
Registration No. 29,014

WJB/ye

Benman, Brown & Williams
2049 Century Park East
Suite 2740
Los Angeles, CA 90067

310-553-2400
310-553-2675 (fax)